

August 21, 2008

To the Commissioners of the FCC.

This is a reply to some comments I recently read related to CC Docket No. 02-6 related to the E-rate Draft Eligible Services List for FY 2009 (FCC 08-180). As an E-rate consultant, I want to try to remain neutral in this situation and hope for the better judgement of the Commissioners to prevail.

I have read the comments from SECA related to Internet2 wherein SECA believes that USAC's position of the Internet2 is that it is "little more than a large intranet, hence ineligible". This stems from the fact that the Internet2 is not a fully public "space" and that only the phone services to it are eligible. SECA also states that it supports the decision not to fund intranet web-hosting since it will lead to less ambiguity. I then read the comments from Edline, Inc., whose business is web-hosting and who is basically suggesting that web-hosted intranet should be considered an eligible E-rate service. Again, USAC believe that since this is an intranet it should not be funded.

It is quite interesting that in both of these cases, the arguments center around what is public space and the lack of a concrete definition stating clearly and exactly which part of "public internet space" E-rate is willing to consider eligible. If E-rate interprets that it can only fund space which is publically available then we have real problem with security, privacy, and potential harm to students whose information would become visible to the public. Let's take the simple case of e-mail.

It is my understanding that e-mail is an eligible service, regardless if provided for by a Telecom provider or an internet service provider. E-mail uses the same public internet "space" as web-hosting and intranet web-hosting but the e-mails themselves are very private. Is this not a conflict with the concept of being in the public view? Or is it that anyone can get to that same "space" and send their own e-mail?

And then, what about the use of Interconnected Voice Over Internet Protocol? Again we must start with a Telecom, pass over the communications to a large server, on to the Internet, and then return to a Telecom. How is this internet space open. Is this not like an interconnected Telecom Intranet? How does this use of internet space differ from intranet web hosting?

And my concept of Intranet Web-hosting is that a school rents space on a server connected to them by the internet. They post a publically viewable set of pages which contain public information but also want to post internal, student/school personal information on a protected set of pages not viewable by the "outside world". This is clearly no less (or more) private than e-mails sent from one person to another or others. And I cannot see the difference in the use of this same space for e-mails as I can for posted pages in video format or homework assignments, etc.

When the Telecommunications Act of 1996 was written and subsequently the E-rate was created was it not the intent to fund not only the pure conduit but to promote the use of the internet space? This required certain tools which would make use of the internet space to which the conduit was connected so that technology could be learned and adapted by our students and the FCC has allowed for many of those tools like internet access, web-hosting, and e-mails.

Now we are saying that a parallel internet space, Internet2, is not available and only the access to it if provided by the Telecoms? What is the real distinction between the internet2 webspace and the e-mail webspace? Can anyone read another person's e-mail? Did not the internet begin from ARPANET, an earlier version of what the Internet2 is trying to recreate? And if schools and libraries are using this Internet2 bandwidth why must they go through the telecoms to do it?

Regardless of the terms we use for e-mail, internet, internet2, web-hosting, interconnected VOIP, intranet web-hosting, are we not talking about use of the same "space" but in different ways? Is it not all converging? Isn't the issue really, what is the current interpretation of the Telecommunications Act of 1996 as it relates to the advances that technology has brought to all of us? Do we not want our students to remain competitive in the world of technology, competent with all of its applications, and secure in knowing that they are not the easy targets of predators because of public domain rules? Do we not want our schools to help our students to succeed in a technologically competitive world?

I know the Commissioners are a wise panel of learned individuals. I appreciate that they have a difficult position of balancing many different forces. However, E-rate remains the primary source of funds for internet access and telephone usage for our schools and libraries. We must allow our students to grow with changing technologies and provide the tools for our schools to give to these students. The real issue, unmentioned in all of these comments is that the more we expand the boundaries of Priority 1 eligible services, the smaller become the available resources for Priority 2. If the cap remains frozen for the SLD we just keep this all as a zero-sum game where ultimately the most needy of schools will no longer be able to even fund their maintenance of their infrastructure. But, this is a comment for another day.

Thank you very much for your consideration of these thoughts. I truly hope that the commissioners can state their decisions clearly, specifically, and in simple enough terms to allow for successful applications by your wanting applicants and a technologically competent future for our students.

Respectfully submitted,

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